



Attorney's Docket No. 040989/267152

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

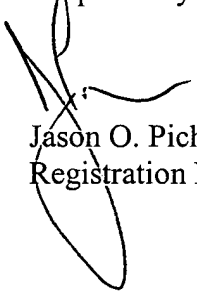
In re: Everett Confirmation No.: 2980  
Appl. No.: 10/725,044 Group Art Unit: 1744  
Filed: December 1, 2003 Examiner: D. Redding  
For: LED ARRAY FOR ILLUMINATING CELL WELL PLATES AND  
AUTOMATED RACK SYSTEM FOR HANDLING THE SAME

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER  
UNDER 37 C.F.R. § 1.321(c)**

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321(c) for the above-referenced application. Also enclosed is a check in the amount of \$55.00 for a small entity (37 C.F.R. § 1.20(d)) to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 16-0605 for any additional fee that may be required or credit any overpayment.

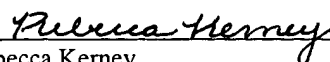
Respectfully submitted,

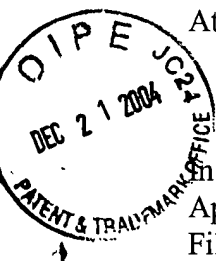
  
Jason O. Piché  
Registration No. 53,468

**CUSTOMER NO. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

"Express Mail" mailing label number: EV387070650US  
Date of Deposit: December 21, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Rebecca Kerney



Attorney's Docket No. 040989/267152

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Everett Confirmation No.: 2980  
Appl. No.: 10/725,044 Group Art Unit: 1744  
Filed: December 1, 2003 Examiner D. Redding  
For: LED ARRAY FOR ILLUMINATING CELL WELL PLATES AND  
AUTOMATED RACK SYSTEM FOR HANDLING THE SAME

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)**

I, Jason O. Piché, am an attorney of record of the disclaimant, Biolex, Inc., and am authorized to execute this disclaimer on behalf of Biolex, Inc. The disclaimant, Biolex, Inc., having a principal place of business at 158 Credle Street, Pittsboro, NC 27312, is the owner of all right, title, and interest in the above-identified application, by Assignment filed March 3, 2003, and recorded at Reel 013801, Frame 0411.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,680,200, issued January 20, 2004, entitled *LED Array for Illuminating Cell Well Plates and Automated Rack System for Handling the Same*, which patent was also assigned to the above-identified disclaimant by the above-identified Assignment recorded March 3, 2003, at Reel 013801, Frame 0411.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,680,200, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent No. 6,680,200 in the event that it later expires for failure to pay a

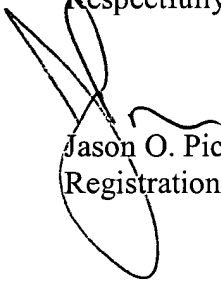
In re: Everett  
Appl. No.: 10/725,044  
Filing Date: December 1, 2003  
Page 2

---

maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(c), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

Date: December 21, 2004



Jason O. Piché  
Registration No. 53,468

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260